

AMENDMENTS TO LB 562

Introduced by Hudkins, 21

1 1. Strike original section 2 and insert the following new
2 sections:

3 Sec. 2. Section 53-123.11, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 53-123.11 (1) A farm winery license shall entitle the
6 holder to:

7 (a) Sell wines produced at the farm winery onsite at
8 wholesale and retail and to sell wines produced at the farm winery
9 at off-premises sites holding the appropriate retail license;

10 (b) Sell wines produced at the farm winery at retail for
11 consumption on the premises;

12 (c) Ship wines produced at the farm winery by common
13 carrier and sold at retail to recipients in and outside the State
14 of Nebraska, if the output of such farm winery for each calendar
15 year as reported to the commission by December 31 of each year
16 does not exceed thirty thousand gallons. In the event such amount
17 exceeds thirty thousand gallons, the farm winery shall be required
18 to use a licensed wholesaler to distribute its wines for the
19 following calendar year, except that this requirement shall not
20 apply to wines produced and sold onsite at the farm winery pursuant
21 to subdivision (1)(a) of this section; and

22 (d) Allow sampling of the wine at the farm winery and at
23 one branch outlet in the state in reasonable amounts.

1 (2) No farm winery shall manufacture wine in excess of
2 fifty thousand gallons per year.

3 (3) A holder of a farm winery license may obtain a
4 special designated license pursuant to section 53-124.11.

5 (4) A holder of a farm winery license may obtain an
6 annual catering license pursuant to section 53-124.12.

7 Sec. 3. Section 53-124.11, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 53-124.11 (1) The commission may issue a special
10 designated license for sale or consumption of alcoholic liquor at a
11 designated location to a retail licensee, a craft brewery licensee,
12 a farm winery licensee, a municipal corporation, a fine arts museum
13 incorporated as a nonprofit corporation, a religious nonprofit
14 corporation which has been exempted from the payment of federal
15 income taxes, a political organization which has been exempted
16 from the payment of federal income taxes, or any other nonprofit
17 corporation the purpose of which is fraternal, charitable, or
18 public service and which has been exempted from the payment of
19 federal income taxes, under conditions specified in this section.
20 The applicant shall demonstrate meeting the requirements of this
21 subsection.

22 (2) No retail licensee, craft brewery licensee, farm
23 winery licensee, organization, or corporation enumerated in
24 subsection (1) of this section may be issued a special designated
25 license under this section for more than six calendar days in any
26 one calendar year. Only one special designated license shall be
27 required for any application for two or more consecutive days. This

1 subsection shall not apply to any holder of a catering license.

2 (3) Except for any special designated license issued
3 to a holder of a catering license, there shall be a fee of
4 forty dollars for each day identified in the special designated
5 license. Such fee shall be submitted with the application for
6 the special designated license, collected by the commission, and
7 remitted to the State Treasurer for credit to the General Fund.
8 The applicant shall be exempt from the provisions of the Nebraska
9 Liquor Control Act requiring a registration fee and the provisions
10 of the act requiring the expiration of forty-five days from
11 the time the application is received by the commission prior to
12 the issuance of a license, if granted by the commission. The
13 retail licensees, craft brewery licensees, farm winery licensees,
14 municipal corporations, organizations, and nonprofit corporations
15 enumerated in subsection (1) of this section seeking a special
16 designated license shall file an application on such forms as
17 the commission may prescribe. Such forms shall contain, along
18 with other information as required by the commission, (a) the
19 name of the applicant, (b) the premises for which a special
20 designated license is requested, identified by street and number
21 if practicable and, if not, by some other appropriate description
22 which definitely locates the premises, (c) the name of the owner or
23 lessee of the premises for which the special designated license is
24 requested, (d) sufficient evidence that the holder of the special
25 designated license, if issued, will carry on the activities and
26 business authorized by the license for himself, herself, or itself
27 and not as the agent of any other person, group, organization,

1 or corporation, for profit or not for profit, (e) a statement
2 of the type of activity to be carried on during the time period
3 for which a special designated license is requested, and (f)
4 sufficient evidence that the activity will be supervised by persons
5 or managers who are agents of and directly responsible to the
6 holder of the special designated license.

7 (4) No special designated license provided for by this
8 section shall be issued by the commission without the approval of
9 the local governing body. The local governing body may establish
10 criteria for approving or denying a special designated license. The
11 local governing body may designate an agent to determine whether a
12 special designated license is to be approved or denied. Such agent
13 shall follow criteria established by the local governing body in
14 making his or her determination. The determination of the agent
15 shall be considered the determination of the local governing body
16 unless otherwise provided by the local governing body. For purposes
17 of this section, the local governing body shall be the city or
18 village within which the premises for which the special designated
19 license is requested are located or, if such premises are not
20 within the corporate limits of a city or village, then the local
21 governing body shall be the county within which the premises for
22 which the special designated license is requested are located.

23 (5) If the applicant meets the requirements of this
24 section, a special designated license shall be granted and issued
25 by the commission for use by the holder of the special designated
26 license. All statutory provisions and rules and regulations of the
27 commission that apply to a retail licensee shall apply to the

1 holder of a special designated license with the exception of such
2 statutory provisions and rules and regulations of the commission
3 so designated by the commission and stated upon the issued special
4 designated license, except that the commission may not designate
5 exemption of sections 53-180 to 53-180.07. The decision of the
6 commission shall be final. If the applicant does not qualify for a
7 special designated license, the application shall be denied by the
8 commission.

9 (6) A special designated license issued by the commission
10 shall be mailed or delivered to the city, village, or county clerk
11 who shall deliver such license to the licensee upon receipt of any
12 fee or tax imposed by such city, village, or county.

13 Sec. 4. Section 53-124.12, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 53-124.12 (1) The holder of a license to sell alcoholic
16 liquor at retail issued under subdivision (5) of section 53-124,
17 ~~or a craft brewery license,~~ or a farm winery license may obtain an
18 annual catering license as prescribed in this section. The catering
19 license shall be issued for the same period and may be renewed in
20 the same manner as the retail license, ~~or craft brewery license,~~ or
21 farm winery license.

22 (2) Any person desiring to obtain a catering license
23 shall file with the commission:

24 (a) An application in triplicate original upon such forms
25 as the commission prescribes; and

26 (b) A license fee of one hundred dollars payable to the
27 commission, which fee shall be returned to the applicant if the

1 application is denied.

2 (3) When an application for a catering license is filed,
3 the commission shall notify, by registered or certified mail,
4 return receipt requested with postage prepaid, (a) the clerk of the
5 city or incorporated village in which such applicant is located or
6 (b) if the applicant is not located within a city or incorporated
7 village, the county clerk of the county in which such applicant is
8 located, of the receipt of the application. The commission shall
9 enclose with such notice one copy of the application. The local
10 governing body and the commission shall process the application in
11 the same manner as provided in section 53-132.

12 (4) The local governing body with respect to catering
13 licensees within its liquor license jurisdiction as provided in
14 subsection (5) of this section may cancel a catering license for
15 cause for the remainder of the period for which such catering
16 license is issued. Any person whose catering license is canceled
17 may appeal to the district court of the county in which the local
18 governing body is located.

19 (5) For purposes of this section, local governing body
20 means (a) the governing body of the city or village in which the
21 catering licensee is located or (b) if such licensee is not located
22 within a city or village, the governing body of the county in which
23 such licensee is located.

24 (6) The local governing body may impose an occupation tax
25 on the business of a catering licensee doing business within the
26 liquor license jurisdiction of the local governing body as provided
27 in subsection (5) of this section. Such tax may not exceed double

1 the license fee to be paid under this section.

2 Sec. 5. Original sections 53-103, 53-123.11, 53-124.11,

3 and 53-124.12, Reissue Revised Statutes of Nebraska, are repealed.